

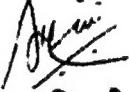
विकास योजना (कैफेलट वार्ड)

महाराष्ट्र प्रावेशिकी चे नगर रचना अधिनियम, १९६५.
चे कलम ३७(२) अन्वये फेरबदल मंजुरीवावतची
अधिसूचना.

महाराष्ट्र शासन,
नगर विकास विभाग,
शासन निर्णय क्रमांक: टिपीची-४३०२/१४९८/प्र.क्र.८/०३/नवि-११
मंत्रालय, मुंबई : ४०० ०३२, दिनांक: ३० जून, २००५

शासन निर्णय:- सोबत जोडलली अधिसूचना महाराष्ट्र शासनाच्या साधारण राजपत्रात प्रसिद्ध करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,


(स. र. किहानी)
अवर सचिव, महाराष्ट्र शासन.

प्रति,

महानगरपालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई १.

प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई.

संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई

पिठासीन अधिकारी, महाराष्ट्र विधानमंडळ सचिवालय, विधान भवन, मुंबई.

क्रिरोधी पक्ष नेता, (विधानसभा/परिषद), विधान भवन, मुंबई.

त्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चनीरोड, मुंबई.

(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्र भाग-१ कोकण विभाग पुरवणीमध्ये प्रसिद्ध करण्यात येवून त्याच्या प्रत्येकी २५ प्रती नगर विकास विभाग, मंत्रालय, मुंबई व उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई यांना पाठविण्यात याव्यात.)

कक्षा अधिकारी (नवि-३) (त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या बेबसाईटवर प्रदर्शित करावी.)

निवडनस्ती (नवि-१).

सेवकानं ३७ फाईल.

the same John Association hereinafter referred to as
the Plaintiff in the action.

**Maharashtra Regional & Town
Planning Act, 1966.**

- Modifications to the sanctioned Development Plan of K(W) Ward for reserving 2 parcels of land for Parking & Rehabilitation of Hawkers.
- Notification under section 37(2).

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032.
Date: 30th June, 2005.

NOTIFICATION

No. TPB 4302/1498/CR-8/03/UD-11:

Whereas, the Development Plan of K(West) Ward of Greater Mumbai (hereinafter referred to as "the said Plan") has been sanctioned by the Government under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide Urban Development Department's Notification No. TPB 4392/5840/UD-11(RDP) dated 19th March, 1993 to come into force w.e.f. 4th May, 1993;

And whereas, land measuring about 6155 sq.mt. from CTS No. 940 of village Juhu is designated for "Parking Lot" (hereinafter referred to in as the "said designation" and area admeasuring about 364 sq.mt. from CTS No. 948 of village Juhu is reserved for "Extension to Parking Lot" as per the proposal of the said plan (hereinafter referred to as "the said Reservation No. 1");

And whereas, land measuring about 10400 sq.mt. from CTS No. 148(pt) of Juhu village is reserved for "Park and Garden" in the said development plan (hereinafter referred to as "the said Reservation No. 2");

And whereas, the Save Juhu Association (hereinafter referred to as "the said Association") had filed Public Interest Litigation in connection with implementation of beautification and redevelopment of Juhu beach (hereinafter referred to as "the said Scheme") bearing Writ Petition No. 2797 of 1998 along with Writ Petition No. 3000/02;

And whereas, in the matter of Public Interest Litigation filed by the said Association the Hon'ble High Court of Mumbai has constituted a Monitoring Committee (hereinafter referred to as "the said Committee") consisting of the Collector, Mumbai Suburban District, Additional Municipal Commissioner (WS), MCGM, the Regional Executive Director, Airport Authority of India and Shri P.K. Das, Architect for Monitoring and Implementation of the said Scheme (hereinafter referred to as "the said Committee").

And whereas, the said Committee has since submitted its project report alongwith the scheme to the Hon. High Court which inter alia includes two modification (hereinafter referred to as "the said modifications") to the said Plan in regard to said designation, the said Reservation No.1 and the said Reservation No.2 as under;

Modification No.1:

Part designated as Parking Lot from the said designation and reservation of extension to Parking Lot extending over an area admeasuring about 2600 sq.mt. forming part of the said Reservation No.1 to be deleted and the entire area so deleted as aforesaid be reserved for "Rehabilitation of Hawkers and Stall Holders".

Modification No.2:

The reservation of Garden and Park extending over the area of 10400 sq.mt. forming part of the said Reservation No.2 to be deleted and the area so deleted to be reserved for "Parking Lot".

And whereas, after examining the scheme submitted by the said Committee, the Hon. High Court on 28/6/2004 has directed the Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said directions") and the State Govt. to take necessary action so as to make the said modifications to the said plan by taking recourse of provisions contained in section 37 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act"), within a period of 8 weeks;

And whereas, pursuant to the said directions given by the Mumbai High Court, the Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") vide its letter dated 17/7/2004 has requested Govt. to issue necessary directions so as to modify the said plan under section 154 of the said Act read with section 37(1) of the said Act;

And whereas, after examining the suggestion of the said Corporation, Government finds that there is larger public interest

involved in carrying out the said modification and there is also an urgent need to resolve the aforesaid issue;

And whereas, in view of the facts and circumstances as aforesaid the Government finds it expedient to initiate the said modifications to the said plan by taking recourse to the provision contained in sub-section (1AA) of section 37 of the said Act;

And whereas, in view of the facts and circumstances mentioned above and in exercise of the power contained in sub-section (1AA) of section 37 of the said Act, Government has issued the notice of even No. Dated 6/10/2004 (hereinafter referred to as "the said Notice") for inviting suggestions/objections from any person with respect to the said modification;

And whereas, the said notice was published in the Government Gazette dated 28/10/2004 and the said notice was published in the newspaper namely, Dainik Lokmat on 17/10/2004 and in Mid Day on 18/10/2004;

And whereas, as per the said notice Government has appointed the Dy. Director of Town Planning, Gr. Mumbai as an officer under section 162 of the said Act (hereinafter referred to as "the said Officer") to scrutinize any suggestions/objections received, grant hearing to the person submitting suggestions/objections including the said Corporation and to submit his report to the Government regarding the said modification;

As reported by the said officer, 41 suggestions/objections were received, all of which were forwarded to the said Corporation on 14/12/2004 as per the provisions under section 37(1AA) of the said Act;

After completing the procedure as laid down under section 37(1AA) of the said Act, the said officer after hearing to the concerned persons including the said Corporation has submitted his report to Govt. on 4/2/2005 (hereinafter referred to as "the said report");

And whereas, the Municipal Corporation of Gr. Mumbai vide its Resolution No. 210 dated 29/3/2005 has resolved, regarding modification No.1, that the area in front of Chatrapati Shivaji Maharaj Statue, to the extent of 100 feet shall be kept for beautification as Garden;

And whereas, after considering the Municipal Corporation of Gr. Mumbai's views and after consulting the Director of Town Planning,

Maharashtra State, Government is of the opinion that the said modification should be sanctioned with some change;

Now therefore, in exercise of the powers vested under section 37(2) of the said Act, Govt. hereby sanctions the said modifications mentioned in the schedule below:-

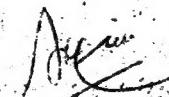
SCHEDULE

a) **Modification No.1:** The part of designation of "Parking Lot" and a part of the reservation of "Extension to Parking Lot" fronting Chatrapati Shivaji Maharaj Statue marked A-B-C-D on plan annexed hereto, admeasuring about 1500 sq.mt. is deleted and same is to be developed for Garden. Further the area marked B-E-F-C on plan annexed hereto, admeasuring about 1100 sq.mt. is deleted and the same is reserved for "Rehabilitation of Hawkers/Stall Holders" of the main Juhu Chowpatty.

Modification No.2: The reservation of "Park & Garden" admeasuring about 10400 sq.mt. more specifically shown on plan annexed hereto is deleted and reserved the same for "parking Lot".

- b) Fixes the date of publication of this notification in the Government Gazette as the date of coming into force of this notification.
- c) Direct the said Corporation that, in the schedule of modification sanctioning the said plan, after the last entry, the schedule referred to as (a) and (b) above shall be added.

By order and in the name of the Governor of Maharashtra,


(S.R. Kini)

Under Secretary to Government.

Note:- This notification is being published on Govt. web site at www.urban.maharashtra.gov.in